

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA <i>ex rel.</i></b>	)	
<b>JEFFREY H. LIEBMAN and DAVID M.</b>	)	
<b>STERN, M.D.,</b>	)	<b>Civil Case No.: 3:17-cv-00902</b>
	)	
<b>Plaintiff-Relators,</b>	)	<b>District Judge William L.</b>
	)	<b>Campbell, Jr.</b>
<b>v.</b>	)	
	)	<b>Magistrate Judge Barbara D.</b>
<b>METHODIST LE BONHEUR HEALTHCARE</b>	)	<b>Holmes</b>
<b>and METHODIST HEALTHCARE-MEMPHIS</b>	)	
<b>HOSPITALS,</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT MOTION TO REINSTATE DISCOVERY MOTIONS  
AND FOR DISCOVERY CONFERENCE**

On October 14, 2022, Judge Campbell issued an Order staying this matter and administratively closing the case. (Dkt. No. 279.) Also on October 14, 2022, Magistrate Judge Holmes issued an Order denying without prejudice pending discovery motions, subject to refileing the motions if the case is reopened.<sup>1</sup> (Dkt. No. 280.) On December 2, 2022, Judge Campbell issued an order lifting the stay in this matter and reopening the case. (Dkt. No. 289.)

The United States and Defendants Methodist Le Bonheur Healthcare and Methodist Healthcare – Memphis Hospitals (collectively, “Methodist”) submit this Joint Motion to reinstate the previously pending motions and for a discovery conference with the Court relating to the discovery disputes addressed therein, including: (i) whether Methodist may withhold as privileged

---

<sup>1</sup> The United States also sought an extension of the expert discovery deadlines in light of the pending fact discovery disputes (Dkt. No. 277), which Methodist opposed and to which it had not responded when the stay was issued. The parties recognize that the Court will need to enter a new Case Management Order, which necessarily will address expert discovery.

certain communications and documents that were sent to or from Methodist's outside consultants and appraisers, as well as communications relating to fair market value opinions on which Methodist purports to rely in defending the allegations in this action (Dkt. No. 266); (ii) the United States' responses to certain of Methodist's discovery requests (Dkt. No. 270); (iii) the United States' objections to Topic Nos. 1, 4, 5 and 6 of Methodist's Notice of Fed. R. Civ. P. 30(b)(6) Deposition to the United States (Dkt. No. 272); (iv) Methodist's assertion of privilege over certain communications involving senior management for The West Clinic, P.C. ("West"), who also were leased to Methodist (Dkt. No. 272); and (v) whether the United States may exceed the ten-deposition limit to depose a corporate representative of West<sup>2</sup> and to extend the September 23, 2022 fact discovery deadline to also depose two non-party witnesses (Dkt. No. 272). The parties' respective positions on those disputes are set forth in the Joint Discovery Dispute Statements filed simultaneously with the Joint Motions for Discovery Conferences. (Dkt. Nos. 257, 265, 271, 273.)

Dated: December 6, 2022

Respectfully submitted,

/s/ Brian D. Roark  
Brian D. Roark  
J. Taylor Chenery  
Taylor M. Sample  
Hannah E. Webber  
BASS, BERRY & SIMS PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
Telephone (615) 742-6200  
Facsimile (615) 742-6293

---

<sup>2</sup> That deposition was the subject of a motion to quash previously pending before the Court prior to the close of fact discovery. (Dkt. No. 268.)

broark@bassberry.com  
tchenery@bassberry.com  
taylor.sample@bassberry.com  
hannah.webber@bassberry.com

Robert S. Salcido  
(Admitted *Pro Hac Vice*)  
Akin Gump Strauss Hauer & Feld LLP  
2001 K Street, N.W.  
Washington, DC 20006  
(202) 887-4095  
rsalcido@akingump.com

*Attorneys for Defendants Methodist Le  
Bonheur Healthcare and Methodist Healthcare-  
Memphis Hospitals*

*s/ Kara F. Sweet* \_\_\_\_\_

KARA F. SWEET  
WYNN M. SHUFORD  
Assistant United States Attorney  
United States Attorney's Office  
719 Church Street, Suite 3300  
Nashville, TN 37203  
Phone: (615) 736-5151  
kara.sweet@usdoj.gov  
wynn.shuford@usdoj.gov

*Counsel for the United States*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served on the following counsel via the Court's CM/ECF email notification system on this the 6<sup>th</sup> day of December, 2022:

Bryan A. Vroon  
Law Offices of Bryan A. Vroon, LLC  
1766 West Paces Ferry Road  
Atlanta, GA 30327  
(404) 441-9806  
bryanvroon@gmail.com

Jerry E. Martin  
Seth Marcus Hyatt  
Barrett Johnston Martin & Garrison, LLC  
Philips Plaza  
414 Union Street, Suite 900  
Nashville, TN 37219  
(615) 244-2202  
jmartin@barrettjohnston.com  
shyatt@barrettjohnston.com

Edward D. Robertson, Jr.  
Bartimus Frickleton Robertson Rader PC  
109 B East High Street  
Jefferson City, MO 65101  
(573) 659-4454  
crobertson@bflawfirm.com

/s/ Brian D. Roark